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Fresenius Medical Care Holdings, Inc. and Fresenius USA, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FRESENIUS MEDICAL CARE HOLDINGS,
INC., a New York corporation; and FRESENIUS
USA, INC., a Massachusetts corporation,

Plaintiffs and Counter-defendants,

v.

BAXTER INTERNATIONAL, INC., a
Delaware corporation; and BAXTER
HEALTHCARE CORPORATION, a
Delaware corporation,

Defendants and Counter-claimants.

Case No. C 03-01431 SBA (EDL)

**[PROPOSED] ORDER ENTERING
FINAL JUDGMENT ON SPECIAL
VERDICT**

Court: Hon. Sandra Brown Armstrong

FINAL JUDGMENT IN A CIVIL CASE

This case was tried to a jury from June 19, 2006 through June 30, 2006. The jury unanimously reached a Special Verdict on June 30, 2006. In accordance with that Special Verdict, it is hereby ordered and adjudged that:

1. Claims 26, 27, 28, 29, 30, and 31 of U.S. Patent No. 5,247,434 are invalid as obvious over the prior art.
2. Claims 1, 2, 3, 13, 14, 15, and 16 of U.S. Patent No. 6,284,131 are invalid as obvious over the prior art.
3. Claims 5 and 7 of U.S. Patent No. 5,326,476 are invalid as obvious over the prior art.
4. Claims 7, 11, 14, 15, and 16 of U.S. Patent No. 5,744,027 are invalid as obvious over the prior art.
5. Claims 7, 14, 15, and 16 of U.S. Patent No. 5,744,027 are invalid as anticipated by the prior art.
6. Fresenius' 2008K hemodialysis machine does not literally infringe claims 5 and 7 of the '476 patent.

IT IS SO ORDERED.

DATED: _____

HON. SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE